

Attorney Docket No. 35481-73372
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Theodore B. Shockley Conf. No.: 4878
Serial No.: 10/664,518 Art Unit: 3722
Filed: September 17, 2003 Examiner: Henderson, Mark T.
For: TICKETS

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Sir:

I, Theodore B. Shockley believe and declare as follows:

I am the plant manager at Indiana Ticket Company and have been employed by the Indiana Ticket Company since 1973. Indiana Ticket Company manufactures and supplies tickets to purchasers in the United States and abroad.

My responsibilities as plant manager includes staying abreast of improvements and changes in the ticket industry. My experience involves interaction with clients, suppliers and, of course, persons working at Indiana Ticket Company.

At this time there are only about four ticket manufacturing companies in the United States.

The above-identified application provides in part that "[t]he common ticket 20, which has been known in the art for years, uses a substrate of 'common ticket stock' paper having a caliper characteristic of approximately 9.5. Typically, the common ticket stock is comprised of ticket bristol paper, and has an illustrative thickness B, as can be seen in FIG. 2." (Applicant's specification at page 3, lines 7-10).

The application begins to describe the present invention by stating "[i]n contrast, ticket 10 is illustratively printed on a stock of paper that is considered 'return postcard' or 'reply card' stock paper. Such reply card stock having the same length and width dimensions may have a thickness A (as can be seen in Fig. 2). The caliper range may be between 5 and 11 points. The illustrative reply card stock has a caliper of 7." (Applicant's specification at page 3, lines 10-14).

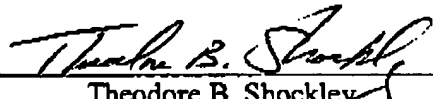
At the time of the present invention those of ordinary skill in the art avoided thinner (of a caliper of less than about 9.5) ticket stock because, for example, thinner stock can jam in automatically dispensing machines, thinner stock can cut the hands of persons handling the tickets (children, etc.) especially as the tickets are dispensed automatically from a machine, thinner stock often cannot achieve the high opacity necessary for use by ticket counting mechanisms, and thinner ticket stock wears more quickly than tickets of common ticket stock.

I am aware of the statement in the 08 March 2006 office action in the above-identified application that "[t]herefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify ASPA's ticket with a paper substrate having a caliper of 7.3 and an opacity of 98.1% as taught by McCall for providing an alternative paper substrate" and hereby state that it would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify ASPA's ticket with a paper substrate having a caliper of 7.3 and an opacity of 98.1% as taught by McCall. During my years of experience in this field I have interacted with many of the other people who also have years of experience in the ticket industry and am aware that such others would not have tried to make a ticket from a thinner ticket stock having an opacity of 98% or less for reasons such as the problems noted above. Indeed nobody has provided a ticket formed from a substrate having a caliper characteristic of between 5 and 7 points and an opacity of less than 98% and to my knowledge no one else has even attempted making a ticket with these characteristics. At the time of the invention, most (98% or more), and perhaps all of the tickets sold in the United States were made of the common ticket stock of about 9.5 caliper. This ticket stock has been used for over 50 years and is the stock used for tickets. For at least these reasons, at the time of the invention it would not have been obvious to one of ordinary skill in the ticket making industry to make tickets from a substrate having a caliper characteristic of between 5 and 7 points and an opacity of less than 98%.

I have reviewed U.S. Patent No. 6,332,667 to McCall et al. and observe that McCall et al. is directed to making linerboard and using old corrugated containers (OCC). Paper manufactured by the process described by McCall et al. is not suited for making tickets because, as described in McCall et al., the process uses fillers (ash, etc.) which are not well suited for use in tickets. For at least these reasons, one of ordinary skill in the ticket making industry would not have tried to use paper from McCall et al.'s process to make tickets.

I am aware of the statement in the 08 March 2006 office action in the above-identified application that "[a]pplicant has not disclosed the criticality of having a particular opacity and caliper dimensions, and invention would function equally well in any desirable size dimension" (office action page 4). The choice of substrate is a critical aspect of ticket manufacturing. As noted above, the use of 9.5 caliper stock has been standard for over 50 years. For the reasons described in the disclosure of the present application and in this declaration no one has thought to use anything but traditional 9.5 caliper ticket stock. The use of tickets being formed from a substrate having a caliper characteristic between 5 and 8 points as recited in claim 1 provides unexpected advantages. Such stock is can be used for tickets that will not jam in dispensing machines, cut peoples hands and wear at an acceptable rate. Such unexpected results establish the critical importance of the discovery of using substrate of between 5 and 8 points for tickets.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.


Theodore B. Shockley

7-6-06
Date